

**DEPARTMENT OF HOMELAND SECURITY  
BOARD FOR CORRECTION OF MILITARY RECORDS**

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Application for the Correction of  
the Coast Guard Record of:

**BCMR Docket No. 2018-231**

██████████  
████████████████████  
SK2 (former)

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**FINAL DECISION**

This is a proceeding under the provisions of 10 U.S.C. § 1552 and 14 U.S.C. § 2507. The Chair docketed the case after receiving the application on September 19, 2018, and assigned it to staff member ██████████ to prepare the decision for the Board as required by 33 C.F.R. § 52.61(c).

This final decision, dated December 6, 2019, is approved and signed by the three duly appointed members who were designated to serve as the Board in this case.

**APPLICANT'S REQUEST AND ALLEGATIONS**

The applicant, whose name appears first in the case caption above, alleged that she is the veteran whose name appears second in the case caption—a former shopkeeper second class (SK2) who was discharged on June 20, 1988. She asked the Board to correct the last name in her Coast Guard records from her former legal name, which was her husband's name, to her current legal name, which is her maiden name. The Board interprets this request to mean that she particularly wants her discharge form DD 214 from 1988 changed to reflect her current legal name.

In support of her application, the applicant submitted a copy of a ██████████ driver's license issued on November 12, 2013, which shows her current legal name. The driver's license also shows that her date of birth is the same as that of the veteran whose name appears second in the case caption. She also submitted a copy of a U.S. Department of Veterans Affairs identification card which shows her current legal name. The applicant did not state when she began using her maiden name after her discharge; nor did she indicate on her application when she discovered the alleged error or injustice in her record.

**SUMMARY OF THE RECORD**

The veteran enlisted in the Coast Guard on January 21, 1980, under her maiden name, which is the same as that of the applicant. She married on January 17, 1987, and started using her

husband's last name. On September 24, 1987, she submitted her marriage certificate to the Coast Guard Records Branch and requested that her last name in her military records be changed to her married name. Her Coast Guard records after September 23, 1987, reflect her married name.

The applicant was honorably discharged from the Coast Guard on June 20, 1988, and her DD 214 reflects her name at the time, which was her married name. At some point after her discharge she started using her maiden name instead of her married name, but there is nothing in the record showing the date(s) she divorced and started using her maiden name.

### **APPLICABLE REGULATIONS**

Under COMDTINST M1900.4B, the Commandant's instruction for preparing DD 214s in 1988, "[a]ll entries [on the DD 214], unless specified otherwise are for the current period of active duty only from the date of entry as shown in block 12a through the date of separation as shown in block 12b."

### **VIEWS OF THE COAST GUARD**

On April 22, 2019, a judge advocate (JAG) of the Coast Guard recommended that the Board deny relief in this case and adopted the findings and analysis provided in a memorandum on the case submitted by the Commanding Officer, Coast Guard Personnel Service Center (PSC), who also recommended denying relief.

The JAG argued that the application is untimely and that the applicant did not provide any reason or explanation as to the delay in filing her application with the Board. Regarding the merits, the JAG stated that there is no error because the applicant (veteran) was issued a DD 214 with the name that she used while in the service and was using when she was discharged. Moreover, the JAG noted that the applicant failed to provide any documentation approved by a Coast Guard policy to establish that she has lawfully changed her name (e.g. court order, divorce decree, etc.).

PSC stated that the application should be denied as untimely because the applicant was discharged in 1988. Regarding the merits, PSC argued that she has not shown that there is an error or injustice in her record and stated that her DD 214 correctly lists the legal (married) name that she had when she was discharged from the Coast Guard on June 20, 1988.

### **APPLICANT'S RESPONSE TO THE VIEWS OF THE COAST GUARD**

On May 1, 2019, the Chair sent the applicant a copy of the views of the Coast Guard and invited her to respond within thirty days. The Board received no response.

### **FINDINGS AND CONCLUSIONS**

The Board makes the following findings and conclusions on the basis of the applicant's military record and submissions, the Coast Guard's submission, and applicable law:

1. The Board has jurisdiction concerning this matter pursuant to 10 U.S.C. § 1552. An application to the Board must be filed within three years after the applicant discovers the

alleged error or injustice.<sup>1</sup> The applicant resumed using her maiden name at some point after her discharge in 1988 but she did not state on her application when she discovered the alleged error on her DD 214 nor did she provide any documentation to show that she obtained a divorce or otherwise legally changed her name. The driver's license submitted by the applicant reflecting her maiden name was issued on November 12, 2013, so the preponderance of the evidence shows that the applicant was using her maiden name as early as 2013 and knew that her DD 214 reflected her married name. Thus, the Board finds that her application is untimely.

2. The Board may excuse the untimeliness of an application if it is in the interest of justice to do so.<sup>2</sup> In *Allen v. Card*, 799 F. Supp. 158 (D.D.C. 1992), the court stated that the Board should not deny an application for untimeliness without “analyz[ing] both the reasons for the delay and the potential merits of the claim based on a cursory review”<sup>3</sup> to determine whether the interest of justice supports a waiver of the statute of limitations. The court noted that “the longer the delay has been and the weaker the reasons are for the delay, the more compelling the merits would need to be to justify a full review.”<sup>4</sup> In accordance with this direction, the Board has conducted a cursory review of the merits and finds no reason to excuse the untimeliness of the application:

a. The applicant did not explain or justify why she waited so long after her name change to request correction of her name on her DD 214. She failed to show that anything prevented her from seeking correction of the alleged error or injustice more promptly.

b. The applicant has submitted no evidence of error or injustice. Her DD 214 was properly issued in her legal name at the time of her separation. As the Board has found in similar cases, “[a] DD 214 is a record of a single period of enlistment, like a snapshot, and it is supposed to reflect the facts of that enlistment and to be accurate as of the date of discharge. COMDTINST M1900.4B, the manual for completing DD 214s in 1988, contains no provisions for updating DD 214s when veterans’ personal data change after their separation from the Service.”<sup>5</sup> The applicant presumably has a court order proving her name change, which she has used to prove that the DD 214 is her own because the VA has issued her a card in her new name. And she did not claim or show that she has been denied any military or veterans’ benefits because of her name change.

3. Accordingly, the Board will not excuse the application’s untimeliness or waive the statute of limitations. The applicant’s request should be denied.

**(ORDER AND SIGNATURES ON NEXT PAGE)**

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<sup>1</sup> 10 U.S.C. § 1552(b) and 33 C.F.R. § 52.22.

<sup>2</sup> 10 U.S.C. § 1552(b).

<sup>3</sup> *Allen v. Card*, 799 F. Supp. 158, 164 (D.D.C. 1992).

<sup>4</sup> *Id.* at 164, 165; *see also Dickson v. Secretary of Defense*, 68 F.3d 1396 (D.C. Cir. 1995).

<sup>5</sup> Dept. of Homeland Security, Board for Correction of Military Records, Docket 2009-060 Final Decision.

**ORDER**

The application for correction of the military record of former SK2 [REDACTED]  
[REDACTED] USCG, is denied.

December 6, 2019

